

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

Calvin James,

Defendant.

**ORDER**

Criminal No. 06-265 ADM/JJG

---

W. Anders Folk, Esq., Assistant United States Attorney, Minneapolis, MN on behalf of the Plaintiff.

Calvin James, pro se.

---

Defendant Calvin James ("James") has filed a Motion for Modification of Restitution Order [Docket No. 101] pursuant to 18 U.S.C. § 3664(k). James contends that he is unable to make the restitution payments set by the Inmate Financial Responsibility Program, and requests that his restitution payments be limited to quarterly installments of "\$25 if working non-UNICOR or a minimum of 50% of monthly earnings if working UNICOR." The government filed a response to this motion in which it did not object to James's requested modification. [Docket No. 109].

The Court contacted the Bureau of Prisons and Warden H. J. Marberry seeking clarification of how the Bureau of Prisons applied the Inmate Financial Responsibility Program to James. The Court received a letter from the Warden on December 31, 2008 advising that James's restitution payment was \$25 a month. The Court was also advised that the payment amount would be reviewed again in February of 2009. Because the Court originally set James's

restitution payment at “quarterly installments of a minimum of \$25 if working non-UNICOR,” and the government does not object to the proposed modification, James’s motion is granted. The Bureau of Prisons should conduct its February review of James's restitution obligation in light of this ruling.

Based upon the foregoing, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendant Calvin James’s Motion for Modification of Restitution Order is **GRANTED**. James is ordered to pay either a quarterly installment of \$25 if working non-UNICOR or a minimum of 50% of monthly earnings if working UNICOR.

BY THE COURT:

s/Ann D. Montgomery  
ANN D. MONTGOMERY  
U.S. DISTRICT JUDGE

Dated: December 31, 2008.